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09/849,305	05/07/2001	Thomas Dixon	11593-002001	8670
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			2665	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,305

Applicant(s)

DIXON ET AL.

Examiner

Cynthia L Davis

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event; however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/8/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 10 objected to because of the following informalities: the second "of claim" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 19, 20, 23, 24, 26, 27, 37, and 39 are rejected under 35 U.S.C. 102(a) as being anticipated by Waites (6788769).

Regarding claim 19, a message service provider comprising an interface for receiving a message with a universal address is disclosed in Waites, column 2, line 63-column 3, line 1. A processor for generating a request to a universal address service provider for a message deliver location based on the universal address is disclosed in Waites, column 4, lines 57-58, and column 3, lines 7-12 (the system is a computer with a processor). An interface for receiving the requested message delivery location, wherein the message service provider routes the message based on the received message delivery location is disclosed in Waites, column 3, lines 11-13, and lines 19-21 (the numbers and email addresses may be accessible to the calling party).

Regarding claim 20, the processor including a server connected to the internet is disclosed in Waites, column 4, lines 56-57.

Regarding claim 23, an interface for sending the request comprising a message service provider identification is disclosed in Waites, column 3, lines 18-19 (the password protection identifies who is sending the message and who their provider is).

Regarding claim 24, the message delivery location being based on the message service provider identification is disclosed in Waites, column 3, lines 18-21.

Regarding claim 26, receiving a message with a universal address comprising receiving one of a phone number, pager message, and facsimile is disclosed in Waites, column 3, lines 9-12.

Regarding claim 27, receiving a message with a universal address comprising receiving an email is disclosed in Waites, column 3, lines 29-33.

Regarding claim 37, a message delivery system comprising a message service provider is disclosed in Waites, column 3, lines 63-65 (in this case, it is the telephone system). A universal address service provider is disclosed in Waites, column 2, line 65-column 3, line 9 (the system that is dialed in to is the universal address service provider). A universal address service provider authority for managing the message delivery system wherein the message service provider accesses the universal address service provider to determine a message delivery location is disclosed in Waites, column 3, lines 7-12.

Regarding claim 39, a memory for storing a universal address is disclosed in Waites, column 4, lines 57-58. An interface for sending the universal address to a universal address service provider is disclosed in Waites, column 3, lines 7-12. An interface for receiving a message deliver location associated with the universal address

from the universal address service provider is disclosed in Waites, column 3, 19-22 (the numbers and email addresses may be available to the calling party), and a process for sending a message with the received message delivery location is disclosed in Waites, column 3, lines 10-12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1, 4, 5, 7, 8, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waites (6788769) in view of Tsuei (6654779).

Regarding claim 1, receiving a universal address is disclosed in Waites, column 2, line 66-column 3, line 1 (the phone number is used as the universal address in this reference). Sending a request for processing the universal address to a universal address service provider is disclosed in Waites, column 3, lines 7-10. Receiving a message delivery location based on the universal address is disclosed in Waites,

column 3, lines 11-13. Routing the message to the message delivery location is disclosed in Waites, column 3, lines 11-13. However, claim 1 further specifies receiving the message with the universal address, which is missing from Waites. This is disclosed in Tsuei, column 1, lines 62-65, which describes a typical DNS lookup system. It would have been obvious to one skilled in the art at the time of the invention to receive the message with the address. The motivation would be so that message senders could send the message and the address in one transaction.

Regarding claim 4, sending the request comprising a message service provider identification is disclosed in Waites, column 3, lines 18-19 (the password protection identifies who is sending the message and who their provider is).

Regarding claim 5, receiving a message delivery location being based on the message service provider identification is disclosed in Waites, column 3, lines 18-21.

Regarding claim 7, receiving a message with a universal address comprising receiving one of a phone number, pager message, and facsimile is disclosed in Waites, column 3, lines 9-12.

Regarding claim 8, receiving a message with a universal address comprising receiving an email is disclosed in Waites, column 3, lines 29-33.

Regarding claim 14, determining the identity of the universal address requestor comprising receiving a message service provider identification is disclosed in Waites column 3, lines 18-19 (the password protection identifies who is sending the message and who their provider is).

Regarding claim 15, accessing the database of universal addresses comprising determining if the message service provider has been granted access to the message delivery location corresponding to the universal address is disclosed in Waites, column 3, lines 18-21.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waites in view of Tsuei and Stuntebeck (6065016).

Regarding claim 2, the method of claim 1 is disclosed in Waites in view of Tsuei. Claim 2 further discloses sending a universal address service provider descriptor and user name, which is missing from Waites and Tsuei. However, Stuntebeck discloses this in column 5, lines 16-22 and column 5, lines 43-45 (the purpose of a universal address service provider field is to designate which provider's database to query regarding the name). It would have been obvious to one skilled in the art at the time of the invention to use the requesting method of Stuntebeck in the method of Waites. The motivation would be to have a way to look up a particular subscriber.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waites in view of Tsuei and Stuntebeck (6065016) in further view of Levine (6076121).

Regarding claim 3, the method of claim 1 is disclosed in Waites in view of Tsuei. Claim 3 further discloses sending a message type, universal address service provider descriptor, and user name, which is missing from Waites and Tsuei. However, Stuntebeck discloses the universal address service provider descriptor and user name in column 5, lines 16-22 and column 5, lines 43-45 (the purpose of a universal address service provider field is to designate which provider's database to query regarding the

Art Unit: 2665

name). It would have been obvious to one skilled in the art at the time of the invention to use the requesting method of Stuntebeck in the method of Waites. The motivation would be to have a way to look up a particular subscriber. Sending the message type is disclosed in Levine, column 19, lines 34-63 (describing how a call originating from a fax machine will be routed to reach a fax machine at the other end). It would have been obvious to one skilled in the art at the time of the invention to send the message type. The motivation would be to have messages go to end points that are capable of receiving them.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waites in view of Tsuei and Levine (6076121).

Regarding claim 6, the method of claim 1 is disclosed in Waites in view of Tsuei. Claim 6 further specifies receiving a message with a universal address comprising receiving a letter or package, which is missing from Waites and Tsuei. Receiving a letter or a package is disclosed in Levine, column 28, line 46-column 29, line 17. It would have been obvious to one skilled in the art at the time of the invention to receive a letter or packing with a universal address. The motivation would be to implement the universal address system for delivery of mail or packages.

7. Claims 9, 10, 12, 16-18, 25, 28, 29, and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waites in view of Levine (6076121).

Regarding claim 9, receiving a universal address is disclosed in Waites, column 2, line 66-column 3, line 1 (the phone number is used as the universal address in this reference). Determining the identity of the universal address requestor is disclosed in

Waites, column 3, 18-19 (the requestor identifies himself with his password).

Accessing a database of universal addresses is disclosed in Waites, column 3, lines 63-65 and column 4, lines 58-60 (the caller dials in to the database, which is a server that contains a database of directory entries keyed by telephone number). Transmitting the message delivery location to the requestor is disclosed in Waites, column 3, lines 19-22 (the numbers and email addresses may be accessible to the calling party). However, claim 9 further discloses receiving a message type and determining a message delivery location based on the message type, which is missing from Waites. Receiving a message type and determining a message delivery location based on the message type is disclosed in Levine, column 19, lines 34-63 (describing how a call originating from a fax machine will be routed to reach a fax machine at the other end). It would have been obvious to one skilled in the art at the time of the invention to send the message type. The motivation would be to have messages go to end points that are capable of receiving them.

Regarding claim 10, the method of claim 9 is disclosed in Waites in view of Levine. Claim 10 further specifies determining that the identity has been granted access to the message delivery location wherein the transmitting is performed only if it is determined that access has been granted. This is disclosed in Waites, column 3, lines 18-19.

Regarding claim 12, the method of claim 9 is disclosed in Waites in view of Levine. Claim 12 further specifies selecting one message delivery location from a

plurality of message delivery locations associated with the universal address. This is disclosed in Waites, column 3, lines 7-10.

Regarding claims 16 and 18, the method of claim 9 is disclosed in Waites in view of Levine. Claims 16 and 18 further specify determining the message delivery location comprising determining an address. This is disclosed in Waites, column 3, lines 29-33 (email is a type of address).

Regarding claim 17, the method of claim 9 is disclosed in Waites in view of Levine. Claim 16 further specifies determining the message delivery location comprising determining one of a phone number, pager number, and facsimile number. This is disclosed in Waites, column 3, lines 9-12.

Regarding claim 25, the method of claim 19 is disclosed in Waites. Claim 25 further specifies receiving a message with a universal address comprising receiving a letter or package. Receiving a letter or a package is disclosed in Levine, column 28, line 46-column 29, line 17. It would have been obvious to one skilled in the art at the time of the invention to receive a letter or packing with a universal address. The motivation would be to implement the universal address system for delivery of mail or packages.

Regarding claim 28, an interface for receiving a universal address is disclosed in Waites, column 2, line 66-column 3, line 1 (the phone number is used as the universal address in this reference). A processor for determining the identity of the universal address requestor is disclosed in Waites, column 3, 18-19 and column 4, 57-58 (the requestor identifies himself with his password to the system, which is a computer with a

processor). An interface for delivering the message delivery location to the requestor is disclosed in Waites, column 3, lines 19-22 (the numbers and email addresses may be accessible to the calling party). A database of message delivery locations is disclosed in Waites, column 3, lines 63-65 and column 4, lines 58-60 (the caller dials in to the database, which is a server that contains a database of directory entries keyed by telephone number). However, claim 28 further discloses an interface for receiving a message type and the processor determining a message delivery location based on the message type, which is missing from Waites. An interface for receiving a message type and determining a message delivery location based on the message type is disclosed in Levine, column 19, lines 34-63 (describing how a call originating from a fax machine will be routed to reach a fax machine at the other end). It would have been obvious to one skilled in the art at the time of the invention to send the message type. The motivation would be to have messages go to end points that are capable of receiving them.

Regarding claim 29, the method of claim 28 is disclosed in Waites in view of Levine. Claim 29 further specifies determining that the processor determines that the identity has been granted access to the message delivery location wherein the transmitting is performed only if it is determined that access has been granted. This is disclosed in Waites, column 3, lines 18-19.

Regarding claim 31, the method of claim 28 is disclosed in Waites in view of Levine. Claim 31 further specifies the processor selecting one message delivery location from a plurality of message delivery locations associated with the universal address. This is disclosed in Waites, column 3, lines 7-10.

Regarding claim 32, the method of claim 28 is disclosed in Waites in view of Levine. Claim 31 further specifies the processor using a user name to determine the message delivery location. This is disclosed in Waites, column 2, line 65-column 3, line1 (the phone number user here is a unique user name).

Regarding claim 33, the method of claim 28 is disclosed in Waites in view of Levine. Claim 33 further specifies that determining the identity of the requestor comprises receiving a message service provider identification. This is disclosed in Waites at column 3, lines 18-19 (the password protection identifies who is sending the message and who their provider is).

Regarding claim 34 and 36, the method of claim 28 is disclosed in Waites in view of Levine. Claim 34 further specifies that determining the message deliver location comprises determining an address, and claim 36 specifies determining an email address. This is disclosed in Waites, column 3, lines 29-33 (email is a type of address).

Regarding claim 35, the method of claim 28 is disclosed in Waites in view of Levine. Claim 35 further specifies determining the address delivery location comprising determining one of a phone number, pager message, and facsimile is disclosed in Waites, column 3, lines 9-12.

8. Claims 11, 13, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waites in view of Levine (6076121) in further view of Stuntebeck.

Regarding claim 11, the method of claim 9 is disclosed in Waites in view of Levine. Claim 11 further specifies receiving a request to change the message delivery location and storing a new message delivery location, which is missing from Waites.

Art Unit: 2665

However, Stuntebeck discloses in column 3, lines 52-55, a user logging into a universal directory service to update their directory information, which includes message delivery location. It would have been obvious to one skilled in the art at the time of the invention to let the user change their message delivery location. The motivation would be to keep the information in the directory updated and complete.

Regarding claim 13, the method of claim 9 is disclosed in Waites in view of Levine. Claim 13 further specifies receiving a universal address service provider descriptor and user name, which is missing from Waites. However, Stuntebeck discloses this in column 5, lines 16-22 and column 5, lines 43-45 (the purpose of a universal address service provider field is to designate which provider's database to query regarding the name). It would have been obvious to one skilled in the art at the time of the invention receive the universal address service provider descriptor and user name. The motivation would be to have a way to look up a particular subscriber.

Regarding claim 30, the method of claim 28 is disclosed in Waites in view of Levine. Claim 30 further specifies the processor receiving a request to change the message delivery location and storing a new message delivery location, which is missing from Waites. However, Stuntebeck discloses in column 3, lines 52-55, a user logging into a universal directory service to update their directory information, which includes message delivery location. It would have been obvious to one skilled in the art at the time of the invention to let the user change their message delivery location. The motivation would be to keep the information in the directory updated and complete.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waites in view of Stuntebeck (6065016).

Regarding claim 21, the method of claim 19 is disclosed in Waites. Claim 21 further specifies an interface for sending the generated request wherein the request comprises a universal address service provider descriptor and name, which is missing from Waites. However, Stuntebeck discloses this in column 5, lines 16-22 and column 5, lines 43-45 (the purpose of a universal address service provider field is to designate which provider's database to query regarding the name). It would have been obvious to one skilled in the art at the time of the invention to use the requesting method of Stuntebeck in the method of Waites. The motivation would be to have a way to look up a particular subscriber.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waites in view of Stuntebeck (6065016) in further view of Levine (6076121).

Regarding claim 22, the method of claim 19 is disclosed in Waites. Claim 22 further discloses sending a message type, universal address service provider descriptor, and user name, which is missing from Waites. However, Stuntebeck discloses the universal address service provider descriptor and user name in column 5, lines 16-22 and column 5, lines 43-45 (the purpose of a universal address service provider field is to designate which provider's database to query regarding the name). It would have been obvious to one skilled in the art at the time of the invention to use the requesting method of Stuntebeck in the method of Waites. The motivation would be to have a way to look up a particular subscriber. Sending the message type is disclosed in

Levine, column 19, lines 34-63 (describing how a call originating from a fax machine will be routed to reach a fax machine at the other end). It would have been obvious to one skilled in the art at the time of the invention to send the message type. The motivation would be to have messages go to end points that are capable of receiving them.

11. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stuntebeck in view of Levine.

Regarding claim 38, a method for updating an address comprising receiving a universal address, receiving an identification, determining whether the identification is valid, and accessing a database of universal addresses if the identification is valid is disclosed in Stuntebeck, column 3, lines 52-55. Claim 38 further specifies automatically changing a marker for a message delivery location for the received universal address associated with a message service from a first message delivery location to a second message delivery location, which is missing from Stuntebeck. This is disclosed in Levine, column 9, lines 54-58 (redirecting a network path would necessarily entail changing the message delivery location from a first to a second location). It would have been obvious to one skilled in the art at the time of the invention to change the delivery location at the user's request. The motivation would be to give the user flexibility in choosing delivery locations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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